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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 DANIEL WOLFF,

10 Petitioner,

11 vs.

12 STATE OF NEVADA,

13 Respondent.
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Case No. 3:09-CV-00591-ECR-(RAM)

ORDER

15 The Court directed (#4) Petitioner to file an application to proceed in forma pauperis
16 or to pay the filing fee. Petitioner has done neither within the allotted time.

17 Petitioner has submitted a Motion for Stay of Proceedings (#5). This motion is moot
18 because the Court is dismissing the action over the filing fee.

19 Reasonable jurists would not disagree with this conclusion, and the Court denies a
20 certificate of appealability.

21 IT IS THEREFORE ORDERED that Petitioner's Motion for Stay of Proceedings
22 (#5) is **DENIED** as moot.

23 IT IS FURTHER ORDERED that this action is **DISMISSED** without prejudice for
24 Petitioner's failure to comply with the Court's Order (#4). The Clerk of the Court shall enter
25 judgment accordingly.

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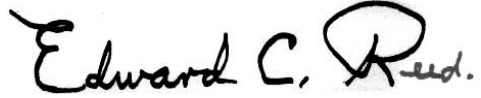
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1 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

2 IT IS FURTHER ORDERED that the Clerk of the Court send a copy of this Order
3 and the Petition for a Writ of Habeas Corpus to the Attorney General of the State of Nevada.

4 DATED: January 5, 2010

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7 EDWARD C. REED
8 United States District Judge
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